

Remarks/Arguments:

Claims 1-34 remain for consideration in this application with claims 1 and 19 being in independent format. In view of the claims as they now stand, together with the remarks hereunder, the rejections of the last office action must respectfully be traversed.

In reviewing the original disclosure, a minor error was found in the Chem Draw representation of the right hand structural formula in paragraph 0011. That structural formula has been corrected by the amendment to paragraph 0011 of the description. The amendment is supported by the reactant definitions for the first reactant provided in paragraph 0029 of the specification and in the claims as originally filed.

The previous claims were rejected under Section 112, first and second paragraphs, based upon the prior use of the term "in intimate contact." First of all, this specific language does appear in the present specification, see paragraph 0023 of the corresponding published application. Therefore, withdrawal of the Section 112, paragraph 1 reject is appropriate.

While applicants could take issue with the Section 112, paragraph two rejection, as noted below the claims now simply recite that the fertilizer and polymer are "in contact." There can be no question about the scope of this recitation, and thus all Section 112 issues have been resolved.

The only presently pertinent art rejections lodged in the last action were based upon the Jensen, et al. patent and a Japanese Patent Abstract. Each reference is inapposite. Jensen describes a method of coating an active core using a phase separation technique. Jensen first coats the core material (which may be a fertilizer) with a lipid layer. Thereupon, a polymer may be applied to the initial lipid layer. According to Jensen, the use of an inner lipid layer is essential to his phase

separation technique. Stated otherwise, Jensen cannot create a coating using a polymer without first pre-coating the active core with a lipid layer. Thus, in no way does Jensen teach or suggest a situation where a polymer of the type defined in the present claims is applied to fertilizer so that the fertilizer and polymer are in contact with each other. In fact, Jensen specifically teaches away from direct fertilizer-polymer contact.

This distinctive feature is clearly set forth in the amended claims. Claim 1, as amended, clearly recites that the polymer is in contact with the fertilizer. Claim 19 specifically recites that the water-soluble polymer is applied to the fertilizer so that the fertilizer is in contact with the polymer. There is no question that this language is fully supported in the specification; Example 18 describes a situation where the polymer is "applied" to fertilizer, and the recitation in the specification of "in intimate contact" of course embraces the claimed term "contact." Thus, the teachings of the Jensen reference are fully distinguished in the instant claims.

Moreover, as previously explained, the presently claimed polymers are substantially water-soluble. Jensen, on the other hand, makes use of coatings which are hydrophilic but not dissolved by water (col. 2, ll. 13-19). Again, Jensen teaches away from the presently claimed methods.

With respect to the Japanese Patent Abstract (JP-09-309785), the polymers of this reference are either isobutylene copolymers with dicarboxylic acid anhydride, acrylic acid-vinyl alcohol copolymers, or acrylic acid alkali metal salts. Each of these is excluded by claim 1, as amended, in that none of these polymers are predominantly composed of moieties having at least two carboxylic units each. Accordingly, Applicants respectfully assert that this rejection has been overcome.

Certain of the claims were also rejected on the basis of provisional double patenting, in light of co-pending application SN 10/846,076. In order to overcome this rejection, submitted herewith is a Terminal Disclaimer effective to eliminate any double patenting issue.


Pursuant to the Examiner's comments on page 7 of the action, the Printed Publication of this application has been reviewed and appropriate corrections have been made to eliminate reference to "EC" units. It is noted in this regard that applicant's original disclosure was correct in referring to degrees Celsius, and that the noted errors in the Publication were apparently an artifact of electronic transmission or formatting.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

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